

Remarks

The Examiner is respectfully requested to confirm in the next action (if one is necessary) that this office action was not a final rejection since there is conflicting language in this office action.

Claims 28, 29, 32-46 are in the case. Claims 28 and 38 have been amended, claims 30 and 32 have been withdrawn, claim 32 has been canceled, and claims 44-46 are new.

The Examiner requested Applicants to elect a single species under 35 U.S.C. § 121 with respect to ingredient (A). Applicants agree to elect with traverse the species polycarbonates. This species reads on claims 28, 29 and 32-43. The species also reads on new claims 44-46.

Applicants have amended claim 1 and added new claims 44-46 to better describe the invention. Support for the amendment of claim 1 can be found in the text of claim 32 which has now been canceled. Support for new claims 44-46 may be found in the examples. A person skilled in the art would be able to calculate the mole percent "R" groups that are hydrogen for the applicable silicone resin. For example in Example 3, the silicone resin is

$(Me_3SiO1/2)0.10(MeHSiO2/2)0.19(PhSiO3/2)0.71$ where Me denotes methyl and Ph denotes phenyl. Mole% of R's that are Hydrogen = mole hydrogens/ moles all R groups = $((.19)(1))/((.1)(3) + (.19)(2) + .71(1)) = .19/1.39 = 0.137 (x100) = 13.7$ mol% of R's =H.

Therefore Applicants respectfully request the Examiner enter all amendments and new claims.

The Examiner rejected claim 38 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as their invention because it depends from itself. Applicants thank the Examiner for pointing out this typographical error which Applicants have now fixed by having claim 38 depend from claim 37.

The Examiner rejected claims 28,29 and 32-43 under 35 U.S.C. §103(a) as being unpatentable over Asano US2002/0055563 in view of Saito US6,451,906 or Hatanaka US2001/0044484. According to the Examiner, Asano suggests blends of thermoplastics, liquid crystal polymer and silicone compound where the silicone compound has a branched structure and can be substituted with hydrogen, aryl, etc. In addition, the Examiner suggests that Saito teaches the amount of trifunctional groups should be 50-97% for flame retarding branched

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polysiloxanes and Hatanaka teaches trifunctional units above 60 %, low hydroxyl and alkoxy groups and 40-80% phenyl substitution. The Examiner then says " it would have been obvious to ensure Asano's polysiloxane has .40% branching, >40% phenyl substitution and low hydroxyl/alkoxy groups for the expected advantages." Applicants respectfully disagree. The present invention requires that the silicone resin include silicon-bonded hydrogen atoms. While Asano allows hydrogen atoms to be included in the silicone resin, there is no teaching or requirement that any SiH groups must be present in the silicone resin. Further, neither Saito nor Hatanaka includes SiH groups in their resin and so do not cure this defect. Therefore, Applicants assert that it would not be obvious to one skilled in the art to include a silicone resin having at least 5 mole percent SiH groups in a flame retardant composition.

For the reasons provided above, Applicants request that the rejection under 35 U.S.C. §103(a) be withdrawn and the claims allowed to issue.

This reply is being submitted within the period for response to the outstanding office action. Although the Applicants believe in good faith that no extensions of time are needed, the applicants hereby petition for any necessary extensions of time. You are authorized to charge deposit account 04-1520 for any fees necessary to maintain the pendency of this application. You are authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to deposit account 04-1520.

Respectfully Submitted,

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